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In the High Court of Judicature at Madras

Dated:18.04.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM
and
The Hon'ble Mr. Justice J.A.K. SAMPATHKUMAR

Habeas Corpus Petition No.75 of 2006

Palanisamy Gounder .. Petitioner

vs.

1. State of Tamil Nadu
   rep. by Secretary to Government
   Prohibition and Excise Department
   Fort St. George
   Chennai 9.

2. The District Magistrate and
   District Collector
   Coimbatore District. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of writ of habeas corpus as stated therein calling for the records in detention order passed in CMP.No.30/B.L./2005-E4, dated 28.12.2005 on the file of the 2nd Respondent herein and setaside the same and direct the respondents to produce the body of the detenue Thiru.Anbarasan @ Anbarasu now confined in Central Prison, Coimbatore before this Hon'ble Court and set him at liberty.

For petitioner : Mr. P. Venkatasubramaniam
for Mr. C. Ramkumar

For respondents : Mr. Abudukumar Rajarathinam
Govt., Advocate (Crl.Side)

ORDER

(Order of the Court was made by P. SATHASIVAM,J.,)

The petitioner by name Palanisamy Gounder, who challenges the impugned order of detention dated 28.12.2005, detaining her son P. Anbarasan @ Anbarasu, as "Bootlegger" under Section 3 (1) of the Tamil

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Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders and Slum Grabbers Act, 1982 (in short "Tamil Nadu Act 14 of 1982").

2. Heard both sides.

3. Even at the foremost the learned counsel for the petitioner submitted that though the Detaining Authority has very much relied on the Chemical Analysis Reports, which are available at pages 125 to 143 of the paper book and also specifically mentioned in Ground 3(c) of the Grounds of Detention, the translated copies were not supplied to the detenu, who knows Tamil language only. The said aspect is not in dispute. Considering the fact that the Detaining Authority has very much relied on the Chemical Analysis Report, it is but, proper on the part of the Authority to supply the translated Tamil version of those reports to the detenu in order to make effective representation, failure to do so, vitiates the impugned detention order and accordingly, the same is quashed; this petition is allowed. The order of detention impugned in the petition is set aside and the detenu is directed to be set at liberty forthwith from the custody unless he is required in connection with any other case.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Secretary to Government
   State of Tamil Nadu
   Prohibition and Excise Department
   Fort St. George
   Chennai 9.

2. The District Magistrate and
   District Collector
   Coimbatore District.

3. The Superintendent
   Central Prison
   Coimbatore.

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4. The Public Prosecutor
High Court, Madras.

5.The Joint Secretary to Govt.
Public (Law and Order)
Fort. St. George, Chennai -9.

AK (CO)
km/26.4.

H.C.P.No.75 of 2006

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